

~~CONFIDENTIAL~~

OGC 70-1756

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

16 October 1970

MEMORANDUM FOR: The Legal Adviser
Department of State

SUBJECT: CIA Funding Authorities

1. Thank you for sending me the analysis you have prepared concerning CIA funding authorities. This is a complex and difficult subject which, as your research shows, has considerable history.

2. Our experience over the years has demonstrated that every case of special funding outside of our regular arrangements for obtaining appropriations has to be examined in the light of all the circumstances as they exist at the time. Accordingly, we have taken the position that we would not try to establish a general legal interpretation which would attempt to be an all-embracing delineation of the limits of the Agency's authorities. What might be permissible at one time and under one set of circumstances might not be permissible at another time and under other circumstances and vice versa. In general, our policy is to use these authorities to serve the national interest but at the same time not to endanger the existence of those authorities which have proved to be essential to the national interest in the past. Consequently, while I understand the desire of the policy officers to have certainty in the guidelines, I believe it is preferable in order to maintain maximum flexibility to examine specific situations on a case by case basis and not to establish over-all limitations by legal interpretation. Indeed, as circumstances change, such a general analysis could become dangerously misleading.

3. We would appreciate it, therefore, if you would not disseminate any such analysis but would refer to us any particular situation which needs resolution.

cc: DDP

ExDir - Compt.

D/PPB

AC/FE

VOGC Subject

OGC Chrono.

LAWRENCE R. HOUSTON
General Counsel

OGC:LRH:mks

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